

COURTROOM TERMS FOR VICTIMS

ABSOLUTE DISCHARGE – The accused, after being found guilty, is discharged without a record of conviction.

ACCUSED – The person charged with a crime.

ACQUITTAL – A court finding of NOT GUILTY.

ADJOURNMENT – A temporary delay of court proceedings

AFFIRMATION – A non-religious oath given by a witness before testifying, promising that the evidence they offer is to the best of their knowledge, the truth.

APPEAL – An application for a judicial review by a higher court of a lower court's decision

APPEARANCE NOTICE – An order that tells the accused to go to court at a specified time to answer charges that have been laid.

BAIL – Financial or other security put up by the accused or by someone on the accused's behalf as an assurance that the accused will appear in court on the date of trial

BEYOND A REASONABLE DOUBT – In criminal cases the Crown has to meet a standard of proof beyond a reasonable doubt. The Crown must show that the evidence is so complete and convincing that the judge/jury has not reasonable doubts about the accused's guilt.

COMPLAINANT – The victim of an alleged crime.

CONDITIONAL DISCHARGE – Occurs when the accused, after being found guilty, is discharged under certain conditions ordered by the judge. If the accused complies with the conditions, he or she will not have a criminal record.

CONDITIONAL SENTENCE – A sentence that is served by the offender in the community. The offender would remain in the community under supervision and would be required to abide by a number of conditions.

COMTEMPT OF COURT – Interfering with the administration of justice or ignoring the rules of the court.

CORROBORATION – Evidence that supports or confirms other evidence of testimony.

CROSS EXAMINATION – Both the Crown and the Defense counsel have the right to question (cross examine) a witness by the other side.

CROWN PROSECUTOR – A government appointed agent who prosecutes criminal offences on behalf of the Attorney General of Canada. The Crown presents all relevant evidence to the judge or jury that sheds light upon the offence of which the accused is charged.

COURT OF QUEEN'S BENCH – Try the most serious criminal and civil cases including cases involving large amounts of money and Family Law including divorce, custody and property settlements.

DOCKET COURT – Provincial court of first appearance in which trial dates are set or guilty pleas entered.

ELECTION – The procedure by which an accused chooses to be tried by Queen's Bench Judge and Jury, Queen's Bench Judge alone, or by a Provincial Judge.

ELECTION BY THE CROWN – Procedure under which the Crown decides whether to prosecute a case as a summary conviction offence (less serious penalty) or as an indictable offence (more serious).

INDICTABLE OFFENCE – A category of criminal offences that are usually more serious crimes and carry greater maximum sentences. (i.e. Sex assault). It may carry a penalty ranging from a fine to life imprisonment.

INTERMITTENT SENTENCE – A prison term of 90 days or less given to a person convicted of an offence. The time is usually served on a weekend in most cases – which allows the convicted person to continue with his employment.

JUDICIAL INTERIM RELEASE – “JIR” A Court order granted by a judge or Justice Of The Peace releasing the accused from custody on his/her own bond or promise to appear.

LEGAL AID – Legal services for those who cannot afford to hire counsel and offers different kinds of help depending on your legal problem and where you live in Canada.

NO CONTACT ORDER – A court order preventing the accused from seeing or speaking to someone.

PAROLE – The early release of an offender from incarceration in which he/she serves the remainder of his/her sentence in the community under supervision and specific conditions.

PERJURY – When a person gives evidence in court that he/she knows is false. Anyone who commits perjury is guilty of an indictable offence and may be liable to imprisonment for a term not longer than 14 years.

PLEA BARGAINING – Process of the Crown accepting a guilty plea on a lesser charge instead of incurring the expense and problems of a trial on the original charge.

PRELIMINARY HEARING – “Pre Lim”, Court session held before the trial so that the judge may determine if there is sufficient evidence to justify holding a trial.

PRE-SENTENCE REPORT – A description of the accused’s family life and personal situation, prepared by a Probation Office, which the judge uses to help in deciding an appropriate sentence.

PROBATION – Court order which releases a convicted person under supervision and with direction to obey certain conditions.

RECOGNIZANCE – An accused is released on his or her own recognizance when the Judge or Justice of the Peace gives permission for the accused to be released on bail, subject to the conditions specified on the appropriate form.

REMAND – To send or order back to prison

RESERVE JUDGEMENT – A judge hearing a case may decide to take some time to do research, study the law or review the evidence presented at the trial before making a decision.

RESTITUTION – An act of repaying or compensating for loss, damage, or injury.

SHOW CAUSE HEARING – A Hearing where the Crown Attorney must convince the court that the accused should be kept in jail until the trial.

STATUTORY RELEASE – A form or conditional release that allows most federal offenders to serve the last third of his/her sentence in the community.

STAY OF PROCEEDINGS – A suspension of court proceedings on a particular charge but that can come back within a year.

SUBPOENA – An order directing a person to appear in court as a witness.

SUMMARY CONVICTION OFFENCE – A category of criminal offences that are usually less serious crimes and carry lower sentences

SUMMONS – Legal document ordering the appearance in court of an accused person.

SURETY – Person who agrees to be responsible for the accused’s appearance in court.

SUSPENDED SENTENCE – Judge's order that the sentence given a guilty person need not be imposed, provided that the accused meets certain conditions set by the court. If the accused does not meet the conditions, the Judge can pass sentence on the original charge. A new charge may be laid for breaking the suspended sentence.

TEMPORARY ABSENCE – An escorted or unescorted temporary absence from prison in order to receive medical attention, have contact with family, undergo personal development and/or counselling, participate in community service projects or can be granted on compassionate grounds such as a funeral.

TESTIMONY – Any evidence given.

VERDICT – A jury's finding in a case. It must be unanimous

VICTIM IMPACT STATEMENT – A written account of the personal harm suffered by a victim of crime. It may include a description of the physical, financial and emotional effects of the crime. It must be taken into consideration by the judge.

VOIR DIRE – Trial within a trial to determine the admissibility of certain evidence.

WARRANT – Court order giving legal authority to arrest a person.

WITHDRAWAL – When charges against the accused are withdrawn, no further action will be taken against the accused on that particular charge.

YOUNG OFFENDER – Those aged 12 to seventeen are considered youths under Canadian Criminal Law and fall within the scope of the Young Offenders Act.

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